

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6371

BILL NUMBER: HB 1583

NOTE PREPARED: Nov 16, 2004

BILL AMENDED:

SUBJECT: Road Rage.

FIRST AUTHOR: Rep. Brown T

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a driver who, with the intent to harass or intimidate another person: (1) operates a motor vehicle in an unsafe manner; and (2) in the same driving incident, performs at least two specified wrongful acts; commits road rage, a Class A misdemeanor. The bill increases the penalty for repeat offenders and for offenders who cause injury or death. It requires a court to suspend the license of a person convicted of road rage, and makes road rage an underlying offense of the habitual traffic violator statute.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill makes it a Class A misdemeanor to commit road rage. The bill also makes it a Class D felony if the person has a prior unrelated conviction for road rage and the prior conviction for road rage occurred within the 5 years preceding the commission of the offense. The offense is also a Class D felony if the road rage offense results in serious bodily injury to another person. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

The bill makes it a Class C felony if the offense (a) results in serious bodily injury to another person and (b) the person who committed the offense (1) has a prior unrelated conviction for road rage and (2) the prior conviction for road rage occurred with the past 5 years preceding the commission of the current offense. It is also a Class C felony if the road rage offense results in the death of another person. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating

circumstances. The average length of stay is approximately two years.

The bill makes it a Class B felony if the road rage offense results in the death of another person and the person who commits the offense has a prior unrelated conviction for road rage and the prior conviction for road rage occurred within the 5 years preceding the commission of the current offense. A person who commits road rage resulting in death commits a separate offense for each person whose death is caused by the act. A Class B felony is punishable by a prison term ranging from 6 to 20 years depending upon mitigating and aggravating circumstances. The average length of stay is approximately 3.7 years.

Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: This bill makes it a Class A misdemeanor to commit road rage. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Class B, C, or D felony is \$10,000. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Sarah Brooks, 317-232-9559.